

Filed in open court 4/16/2024 JMS.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL CONSTRUCTION
PRODUCTS LLC,

Plaintiff,

v.

CATERPILLAR INC.

Defendant.

C.A. No. 15-108-RGA

VERDICT FORM

We, the jury, unanimously find as follows:

ICP'S ANTITRUST CLAIM

Question No. 1:

Did ICP prove, by a preponderance of the evidence, that Caterpillar entered into an agreement with Ring Power, Thompson Tractor, and/or Ziegler to pressure or threaten IronPlanet so that IronPlanet would terminate its relationship with ICP?

YES _____ (for
ICP)

NO ☒ _____ (for
Caterpillar)

If you answered "yes" to Question 1, continue to Question

**2. If you answered "no" to Question 1, go to Question 10,
and do not answer Questions 2 through 9.**

Question No. 2:

For the agreement to pressure or threaten IronPlanet, with whom did Caterpillar agree?

Ring Power YES _____ NO _____

Thompson Tractor YES _____ NO _____

Ziegler YES _____ NO _____

If you answered Question 2, continue to Questions 3, 4, 5, and 6.

Question No. 3:

For the agreement to pressure or threaten IronPlanet, did Ring Power agree with Thompson Tractor?

YES _____ NO _____

Question No. 4:

For the agreement to pressure or threaten IronPlanet, did Ring Power agree with Ziegler?

YES _____ NO _____

Question No. 5:

For the agreement to pressure or threaten IronPlanet, did Thompson Tractor agree with Ziegler?

YES _____ NO _____

Question No. 6:

Did ICP prove, by a preponderance of the evidence, that IronPlanet terminated the Hosted Store Agreement because of an agreement between Caterpillar, Ring Power, Thompson Tractor, and/or Ziegler to pressure or threaten IronPlanet?

YES _____ (for ICP)

NO _____ (for Caterpillar)

If you answered "yes" to Question 6, continue to Question 7. If you answered "no" to Question 6, go to Question 10.

Question No. 7:

Did ICP prove, by a preponderance of the evidence, that ICP should prevail on its antitrust claim against Caterpillar?

YES _____ (for ICP)

NO _____ (for Caterpillar)

If you answered "yes" to Question 7, continue to Question 8. If you answered "no" to Question 7, go to Question 10.

Question No. 8:

Did ICP prove, by a preponderance of the evidence, that it suffered damages caused by Caterpillar's agreement?

YES _____ (for ICP)

NO _____ (for Caterpillar)

If you answered "yes" to Question 8, continue to Question 9. If you answered "no" to Question 8, go to Question 10.

Question No. 9:

What was the amount of ICP's damages caused by Caterpillar's agreement?

\$ _____
Amount in numbers

Amount in words

If you answered Question 9, continue to Question 10.

ICP'S TORTIOUS INTERFERENCE WITH CONTRACT CLAIM

Question No. 10:

Did ICP prove, by a preponderance of the evidence, that Caterpillar tortiously interfered with ICP's Hosted Store Agreement with IronPlanet, thereby causing IronPlanet to breach that agreement?

YES ✓ (for ICP)

NO _____ (for Caterpillar)

If you answered "yes," continue to Question 11.

If you answered "no," go to the end of the Verdict Form.

Question No. 11:

Did ICP prove, by a preponderance of the evidence, that it suffered damages as a result of Caterpillar's tortious interference with the Hosted Store Agreement?

YES ✓ (for ICP)

NO _____ (for Caterpillar)

If you answered "yes" to Question 11, continue to Question 12.

If you answered "no" to Question 11, go to the end of the Verdict Form.

Question No. 12:

What was the amount of ICP's damages on its tortious interference claim?

\$ 100,000,000
Amount in numbers

One hundred million dollars
Amount in words

If you answered Question 12, continue to Question 13.

Question No. 13:

Did ICP prove, by a preponderance of the evidence, that Caterpillar's actions to pressure or threaten IronPlanet to terminate its Hosted Store Agreement with ICP were particularly egregious so as to warrant punitive damages?

YES _____ (for ICP)

NO ✓ _____ (for Caterpillar)

If you answered "yes" to Question 13, continue to Question 14.

If you answered "no" to Question 13, go to the end of the Verdict Form.

Question No. 14:

If you answered "yes" to Question No. 13, what amount of punitive damages should be assessed against Caterpillar?

\$ 0 _____
Amount in numbers

Zero dollars _____
Amount in words

END OF VERDICT FORM

SIGNATURE AND DATE

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Jury Foreperson should also sign and date the verdict form and notify the Court Security Officer that you have reached a verdict. The Jury Foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

Dated: _____

4/16/2024

Signed _____

Jury Foreperson